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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JERRY COLORIO

Petitioner,

-against-

MR. S. HORNBECK,

Respondent.  
-----X

05 CV 4984 (NG) (VVP)

**ORIGINAL FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 26 2009 ★

**BROOKLYN OFFICE**

**GERSHON, United States District Judge:**

On March 2, 2009, Magistrate Judge Viktor V. Pohorelsky issued a Report and Recommendation recommending that the court deny petitioner Jerry Colorio's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Having received no objections to Judge Pohorelsky's well-reasoned Report and Recommendation, the court hereby adopts Judge Pohorelsky's Report and Recommendation and denies Mr. Colorio's petition for a writ of habeas corpus. Since petitioner has failed to make a substantial showing of the denial of a constitutional right, a certificate of appealability is denied pursuant to 28 U.S.C. § 2253(c).

**SO ORDERED.**

*NG*  
s/NG

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**NINA GERSHON**  
United States District Judge

Dated: Brooklyn, New York  
March 25, 2009